

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE HYMED GROUP CORPORATION, )  
A Pennsylvania corporation, individually )  
and as the representative of a class of )  
similarly-situated persons, )  
)  
Plaintiff, ) No. 12-cv-03093-JKG  
)  
v. )  
)  
STEVENS & RICCI, INC., )  
)  
Defendant. )

**PLAINTIFF'S UNOPPOSED MOTION TO VACATE JUDGMENT AND  
TO DISMISS WITH PREJUDICE**

NOW COMES Plaintiff, THE HYMED GROUP CORPORATION, by and through its attorneys, moves this Court for an order vacating the judgment and dismissing this case with prejudice. In support thereof, Plaintiff states as follows:

1. On December 4, 2014, this Court entered a Final Approval of Settlement Agreement and Judgment (“Agreement”) (Doc. 44), stating that:

Within 30-days after the later of the payment or satisfaction in full or settlement of the Judgment or the date of a final judgment in the Coverage Litigation that is the Judgment or any portion thereof to the Class, the Class shall file a motion with the court seeking to vacate the Judgment and dismiss this case with notice to Defendant’s counsel.
2. On September 1, 2016, the Third Circuit Court of Appeals entered an Order affirming the District Court’s decision granting summary judgment in favor of Auto-Owners.
3. In all civil cases, petitions for writs of certiorari in cases to be taken to the Supreme Court from courts of appeals or from state courts must be filed within 90 days after the entry of judgment. *See* 28 U.S.C. §§ 1254, 1257, and 2101(c).

4. Plaintiff did not file a Petition for Writ of Certiorari by December 1, 2016.

5. Therefore, pursuant to the Agreement, Plaintiff seeks to vacate the judgment and dismiss this case with prejudice.

6. Pursuant to Local Rule 7.1, Plaintiff's counsel has conferred with Defendant's counsel and they have confirmed they do not oppose the relief sought in Plaintiff's motion.

WHEREFORE, Plaintiff, THE HYMED GROUP CORPORATION, respectfully requests that this Court enter an order vacating the judgment and dismissing this case with prejudice, and for any other relief this Court deems just in the premises.

Respectfully submitted,

THE HYMED GROUP CORPORATION, a Pennsylvania corporation, individually and as the representative of a class of similarly-situated persons

s/ Ryan M. Kelly  
Ryan M. Kelly

Brian J. Wanca  
Ryan M. Kelly  
ANDERSON + WANCA  
3701 Algonquin Road, Suite 500  
Rolling Meadows, IL 60008  
Telephone: 847-368-1500  
Fax: 847-368-1501

Ann Caldwell  
CALDWELL LAW OFFICE LLC  
108 W. Willow Grove Avenue, Suite 300  
Philadelphia, PA 19118  
Telephone: 215-248-2030  
Attorney for Plaintiff

Phillip A. Bock  
David M. Oppenheim  
BOCK, HATCH, LEWIS & OPPENHEIM, LLC  
134 N. LaSalle St., Suite 1000  
Chicago, IL 60602  
Telephone: 312-658-5500

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/Ryan M. Kelly